

**IN THE UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF TENNESSEE**  
**AT KNOXVILLE**

<b>KING OF KINGS, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Case No. _____</b>
	)	
<b>v.</b>	)	<b>Removed from the Circuit Court</b>
	)	<b>for Anderson County, Tennessee</b>
<b>NATIONWIDE PROPERTY AND CASUALTY</b>	)	<b>No. B3LA0076</b>
<b>INSURANCE COMPANY,</b>	)	
	)	<b>JURY DEMANDED</b>
<b>Defendant.</b>	)	

**NOTICE OF REMOVAL**

Defendant, Nationwide Property and Casualty Insurance Company ("Defendant"), files this Notice to remove to this Court an action brought against it and currently pending in the Circuit Court for Anderson County, Tennessee, bearing Case No. B3LA0076, and with respect thereto would show this Court as follows:

I.

The above-styled cause was commenced in the Circuit Court for Anderson County, Tennessee, Case No. B3LA0076, by virtue of a Complaint filed by Plaintiff on March 28, 2013 against Defendant. Defendant was served with process via the Tennessee Department of Commerce and Insurance on April 4, 2013.

The Complaint alleges that Defendant breached its insurance contract with Plaintiff King of Kings, Inc. ("Plaintiff"). Plaintiff seeks \$507,013.44 in compensatory damages plus a 25% statutory penalty. A jury was demanded by Plaintiff.

Pursuant to 28 U.S.C. § 1446(a), a copy of the aforementioned Complaint, along with a copy of the Summons, such Complaint and Summons constituting all process, pleadings and orders served upon Defendant in this action, are attached hereto as Exhibit A and made a part of

this Notice by reference. By removing this action, Defendant is not waiving any defenses available under Fed. R. Civ. P. 12.

## II.

The time period within which Defendant is required to file this Notice of Removal pursuant to 28 U.S.C. § 1446 has not yet expired. Since April 4, 2013, the date on which Defendant, via the Tennessee Department of Commerce and Insurance, was served with the Summons and a copy of the Complaint, there have been no other proceedings in this case in the Circuit Court for Anderson County, Tennessee.

## III.

This action is one of a civil nature for damages claimed as a result of allegations of breach of an insurance contract by Defendant. Plaintiff's action is civil in nature, and this Court has original jurisdiction over Plaintiff's action under the provisions of 28 U.S.C. § 1332. Specifically, this action involves citizens from different states and the amount in controversy exceeds the sum of \$75,000. Therefore, this action arises under federal law, and this Court has original jurisdiction.

## IV.

The requisite diversity of citizenship exists, as provided in 28 U.S.C. § 1332. Plaintiff, upon information and belief, is a Tennessee corporation with its principal place of business in Tennessee. Defendant is a foreign corporation organized under the laws of the State of Ohio, with its principal place of business in Ohio. The jurisdictional amount in controversy exceeds \$75,000.

V.

Defendant Nationwide Property and Casualty Insurance Company is the sole defendant in this action, and, therefore, no other parties need to join in this Notice of Removal.

VI.

Defendant is contemporaneously filing a Notice of Filing of Notice of Removal, pursuant to 28 U.S.C. § 1446(d), with the Clerk for the Circuit Court for Anderson, and is contemporaneously serving both Notices on Plaintiff's counsel.

VII.

The allegations of this Notice are true and correct to the best of Defendant's knowledge and within the jurisdiction of the United States District Court for the Eastern District of Tennessee, and this cause of action is removable to the United States District Court for the Eastern District of Tennessee.

WHEREFORE, Defendant Nationwide Property and Casualty Insurance Company files this Notice for the purpose of removing this action from the Circuit Court for Anderson County, Tennessee, to the United States District Court for the Eastern District of Tennessee.

Respectfully submitted,

By: s/ Latisha J. Stubblefield  
Kenny L. Saffles (BPR No. 023870)  
Latisha J. Stubblefield (BPR No. 27566)  
BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.  
265 Brookview Centre Way, Suite 600  
Knoxville, Tennessee 37919  
(865) 549-7000

*Counsel for Defendant*

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and exact copy of the foregoing **Notice of Removal** has been filed electronically and has been served upon the following parties in interest herein by delivering same to the offices of said parties in interest, or by mailing same to the offices of said parties in interest by United States Mail with sufficient postage thereon to carry the same to its destination.

Derek L. Spratley  
The Spratley Firm  
448 N. Cedar Bluff Lane, #356  
Knoxville, Tennessee 37923

H. Tyler Mayes  
Anderson County Circuit Court Clerk  
Anderson County Courthouse, Suite 309  
100 N. Main Street  
Clinton, Tennessee 37716-3616

This 3rd day of May, 2013.

s/ Latisha J. Stubblefield  
Latisha J. Stubblefield